



Ravalli County Environmental Health  
215 South 4<sup>th</sup> Street – Suite D  
Hamilton, MT 59840  
(406) 375-6565  
FAX (406) 375-6566

---

---

INTEROFFICE MEMORANDUM

---

---

TO: BOARD OF COUNTY COMMISSIONERS  
FROM: LEA JORDAN, ENVIRONMENTAL HEALTH DEPARTMENT  
SUBJECT: DEQ REVIEW OF SUBDIVISIONS  
DATE: OCTOBER 7, 2008  
CC: RAVALLI COUNTY PLANNING DEPARTMENT

RECEIVED

OCT 07 2008

Ravalli County Commissioners

--	--	--	--	--

**DEQ Review of Subdivision Proposals**

Questions continue to arise and statements continue to be made at public meetings and hearings regarding the DEQ review of subdivisions. There are several statements/conceptions (or MIS-conceptions) that keep recurring, therefore, this memo is an attempt to clarify at least a couple of recurring issues.

1. The Ravalli County Environmental Health Department is contracted to review subdivisions for the Montana Department of Environmental Quality. Therefore, many "DEQ reviews" are conducted by Morgan Farrell in our office. If projects are especially large or complicated (or for various other reasons), they get sent directly to the state offices in Helena for review. Most fees for review are collected on a per lot basis at the expense of the developer. Since we are contracted to do the work, and will not get paid for the work unless fees have been paid for the review, we do not review the submittals until final application is made to us and fees are paid in full. Developers and their consultants have several options: they can submit their projects for DEQ review simultaneously with planning review, they can submit for DEQ before submittal to planning, or they may submit after the planning review is complete. In light of recent subdivision denials, we are seeing more submittals after the planning process because there is no use paying for a DEQ review if a project is not approved during the planning process. It is also imperative to note that officially (per Senate Bill 290), DEQ approval may not occur WITHOUT all public comment. Therefore:

- a. When consultants state that, "the DEQ review has been done" - this cannot be true. Morgan can't complete a DEQ review until he has all of the public comment from the planning process. SB 290 requires this. Consultants may mean that the DEQ review is done besides the public

comment – but new information can still change any part of the DEQ review.

- b. When consultants state that, “Environmental Health has the DEQ review information”, this may or may not be true. A confounding factor is that in order to comply with the planning process, applicants are required to submit preliminary water and sanitation information (per MCA 76-3-622) to RCEH before Planning will begin their review. Often we are given the preliminary information without an application or fees. This will allow the Planning review to begin but not the DEQ review. Basically, it is a checklist in which we verify that, “yes, all the forms are submitted”. This DOES NOT mean that a review has necessarily been started and it also does NOT mean that all the information is correct or problem free. In fact, rarely does a final submittal mirror the original submittal because so much information is exchanged between our office and consultants prior to final approval or denial. Many issues are addressed with a phone call requesting additional information, sometimes denial letters are officially sent.
2. It is sometimes implied that our office does not have the skills or knowledge to conduct the DEQ review or that the DEQ review isn’t “good enough”. Concerns continue to be raised on the thoroughness of the review and the impression that the DEQ review is some sort of secretive process. I offer you the following thoughts on these matters:
- a. I assure you that the subdivision review that takes place in our office is thorough. Morgan is extremely conscientious AND thorough. I also assure you that the main DEQ reviewers before Morgan were also thorough. The frustration with the DEQ review is most likely due to the fact that Ravalli County relies solely on the regulations set forth by the State of Montana which are MINIMUM standards. Many people are frustrated with the standards, but our office does not have legal authority to review files in any other way. Any DEQ submittal is required to meet local regulations, however, Ravalli County does not have any regulations that are stricter than the state at this point in time.
  - b. As with any information in our office, the DEQ review is public record. Anyone may come to our office and look through the files, ask questions, etc. Morgan is happy to discuss the DEQ review process or files that have been submitted with other departments, agencies, board members or the general public. Please call Morgan at 375-6565 to schedule an appointment. It is not time efficient for a member of our office to attend every subdivision hearing, but we are available for questions before the meeting or at any point in the process.

Please refer to MCA 76-4-101- MCA 76-4-135, ARM 17.36.100-17.36.805, Circular DEQ-4 and Ravalli County Subsurface Wastewater Treatment and Disposal Regulations for general DEQ subdivision review information.